

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

APR 26 2019

Clerk, U S District Court
District Of Montana
Billings

CRAIG STEVEN HURLBURT,

Petitioner,

vs.

UNITED STATES OF AMERICA;
TOM GREEN, Warden, Dawson
County Correctional Facility;
TIMOTHY C. FOX, Montana Attorney
General; UNITED STATES OF
AMERICA ATTORNEY OF
MONTANA,

Respondents.

CV 18-141-BLG-SPW

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

Petitioner Craig Steven Hurlburt, appearing pro se, filed a “Motion for Interstate Agreement on Detainers, Notice of Untried Indictment, Demand for Jury Trial with Speedy Trial Rights, and Request for Counsel.” (Doc. 1). Magistrate Judge Timothy Cavan construed the motion as a petition for writ of habeas corpus under 28 U.S.C. § 2241(c), and ordered Respondents to show cause why equitable relief was not appropriate. (Doc. 3). Both the Montana Department of Justice and the United States Attorney for the District of Montana represent that no federal detainer is lodged against Hurlburt. (See Docs. 6, 7). Accordingly, there is no case or controversy at issue and the motion/petition is moot.

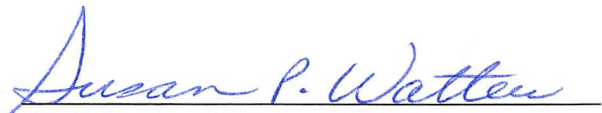
Therefore, IT IS ORDERED the proposed findings and recommendations entered by United States Magistrate Judge Cavan (Doc. 8) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Hurlburt's "motion," construed as a petition for habeas corpus, is DISMISSED as moot.

IT IS FURTHER ORDERED that pursuant to Fed. R. App. P. 24(a)(4)(B), any appeal from this disposition would not be taken in good faith because Hurlburt challenges a detainer that does not exist.

The clerk is directed to enter, by separate document, a judgment of dismissal.

DATED this 26th day of April 2019.


SUSAN P. WATTERS
United States District Judge